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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,278	04/24/2001	Michael J. Grier	2511	5571
7590	10/27/2003		EXAMINER	
MICHALIK & WYLIE PLLC Suite 103 14645 Bel-Red Road Bellevue, WA 98007			GROSS, KENNETH A	
			ART UNIT	PAPER NUMBER
			2122	
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/842,278	GRIER ET AL.	
	Examiner Kenneth A Gross	Art Unit 2122	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-37 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-37 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 15 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, in Claim 15 the term “interpreting the configuration” (page 59, line 13) is ambiguous. The claim references an application, publisher, and administrator configuration. Which configuration is being interpreted in this claim? The term “persistable” in Claim 20 is unclear. What exactly does it mean to be persistable to a non-volatile memory?

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3, 4, 8-12, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Evans et al. (U.S. Patent Number 5,805,899).

In regard to Claim 1, Evans teaches: (a) receiving a request corresponding to binding at least one shared assembly to executable code (Column 1, lines 23-24); (b) interpreting

configuration information to determine a version of a shared assembly to bind to the executable code, wherein the information is separated from the assembly (Column 14, lines 57-61).

In regard to Claim 3, Evans teaches that the executable code comprises an application program (Abstract, line 12), and associating an application program with an application configuration having redirection information therein (Figure 2(c), items 132 and 120).

In regard to Claim 4, Evans teaches storing the application configuration in a folder comprising the application program (Column 2, lines 13-17).

In regard to Claim 8, Evans teaches: (a) associating an assembly version with a configuration ((Figure 2(c), items 132 and 120); (b) wherein interpreting configuration information includes interpreting the publisher configuration. The examiner takes official notice that configuration information for an application would come from a publisher configuration, since the publisher of the application has designed the application, and knows first-hand the criterion under which the application operates.

In regard to Claim 9, Evans teaches storing the configuration information in assembly cache containing at least one assembly version (Column 2, lines 13-17).

In regard to Claim 10, the examiner takes official notice that configuration information for an application would come from an administrator configuration, since an administrator in a corporate environment has the knowledge and the information from the publisher of the application to know the criterion that the application operates under.

In regard to Claim 11, the examiner takes official notice that storing files in a folder is a well-known method of storing files in a file system, since this allows files to be grouped with other files, and hence better organized.

In regard to Claim 12, Evans teaches caching data identifying the version of the shared assembly (Column 2, lines 13-17).

In regard to Claim 16, Evans teaches a computer-readable medium (Column 15, lines 61-62).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 5-7, 13-14, 16-18, 20-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans et al. (U.S. Patent Number 5,805,899) in view of Barboy et al. (U.S. Patent Number 6,560,614).

In regard to Claim 2, Evans teaches the method of Claim 1, but does not teach redirecting one assembly version to another assembly version. Barboy, however, teaches redirecting calls of an out of date software version to a new software version, when calls are made to the out of date software version (Column 8, lines 30-32). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to perform the method of Claim 1, as taught by Evans, where interpreting configuration information includes redirecting one assembly version to another assembly version, as taught by Barboy, since this allows users to access a new software version without having knowledge that an older version has been updated.

In regard to Claim 5, Evans teaches the method of Claim 3, but does not teach redirecting one assembly version to a third assembly version. Barboy, however, teaches redirecting calls of an out of date software version to a new software version, when calls are made to the out of date software version (Column 8, lines 30-32). It can be assumed that the method of Barboy can be performed twice, so that the out of date software version can be redirected to a new software version on the first method run, and redirected to a newer software version on a second software run. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to perform the method of Claim 1, as taught by Evans, where interpreting configuration information includes redirecting one assembly version to a third assembly version, since this allows an old software version to be updated twice, without user knowledge that an older version has been updated.

In regard to Claim 6, the examiner takes official notice that configuration information for an application would come from a publisher configuration, since the publisher of the application has designed the application, and knows first-hand the criterion that the application operates under.

In regard to Claim 7, the examiner takes official notice that configuration information for an application would come from an administrator configuration, since an administrator in a corporate environment has the knowledge and the information from the publisher of the application to know the criterion that the application operates under.

In regard to Claim 13, Evans teaches: (a) the executable code comprises an application program (Abstract, line 12); (b) the configuration is an application configuration (Figure 2(a), item 130). It would be obvious that configuration information for an application would come

from a publisher configuration, since the publisher of the application has designed the application, and knows first-hand the criterion that the application operates under. It would further be obvious that configuration information for an application would come from an administrator configuration, since an administrator in a corporate environment has the knowledge and the information from the publisher of the application to know the criterion that the application operates under. Evans does not teach redirecting one assembly version to another assembly version. Barboy, however, teaches redirecting calls of an out of date software version to a new software version, when calls are made to the out of date software version (Column 8, lines 30-32). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to perform the method of Claim 1, where the executable code is an application program, and the configuration is an application program, a publisher configuration, or an administrator configuration, as taught by Evans, and redirecting one assembly version to another assembly version as taught by Barboy, since this allows users to access a new software version without having knowledge that an older version has been updated.

In regard to Claim 14, the subject matter of the application configuration and the publisher configuration stated in Claim 14 has already been addressed in Claim 13, and Claim 14 is rejected for the same reasons as Claim 13.

In regard to Claim 16, Evans teaches a computer-readable medium (Column 15, lines 61-62).

In regard to Claim 17, Evans teaches: (a) a manifest including information that specifies a dependency of executable code on an identified version of a shared assembly (Column 12, lines 50-53); (b) a configuration (Figure 2(a), item 130); and (c) a binding mechanism to select the

identified version of the shared assembly (Figure 2(a), item 124). Evans does not teach that the configuration information redirects one version of a shared assembly to another version of that shared assembly, or where interpreting the configuration includes redirecting the identified version in the manifest to another version identified in the configuration. Barboy, however, teaches redirecting calls of an out of date software version to a new software version, when calls are made to the out of date software version (Column 8, lines 30-32). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to create a system in a computing environment including a manifest, a configuration, and a binding mechanism, as taught by Evans, where the configuration information redirects one version of a shared assembly to another version of that shared assembly and where the binding mechanism interprets the configuration by redirecting the identified version in the manifest to another version identified in the configuration, as taught by Barboy, since this allows users to access a new software version without having knowledge that an older version has been updated.

In regard to Claim 18, Evans teaches a mapfile that saves the binding information that determines which assembly version to map to the assembly.

In regard to Claim 20, Evans teaches a storage medium holding the mapfile (Column 15, lines 46).

In regard to Claim 21, Evans teaches that the executable code comprises an application program (Abstract, line 12). The examiner takes official notice that storing files in a folder is a well-known method of storing files in a file system, since this allows files to be grouped with other files, and hence better organized.

In regard to Claim 22, Evans teaches storing the application configuration in a folder comprising the application program (Column 2, lines 13-17).

In regard to Claim 23, Evans teaches storing the configuration information in assembly cache containing at least one assembly version (Column 2, lines 13-17). It would be obvious that configuration information for an application would come from a publisher configuration, since the publisher of the application has designed the application, and knows first-hand the criterion that the application operates under.

In regard to Claim 24, the examiner takes official notice that configuration information for an application would come from an administrator configuration, since an administrator in a corporate environment has the knowledge and the information from the publisher of the application to know the criterion that the application operates under.

In regard to Claim 25, Evans teaches an application configuration data structure (Figure 1, item 130).

In regard to Claim 26, Evans teaches that the configuration contains configuration version data associated therewith (Figure 2(a), item 130).

7. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Evans et al. (U.S. Patent Number 5,805,899) in view of Barboy et al. (U.S. Patent Number 6,560,614) and further in view of Leblang et al. (U.S. Patent Number 4,809,170).

In regard to Claim 19, Evans and Barboy teach the system of Claim 18, but do not teach a version matching mechanism configured to relate a version independent request with a version specific assembly. Leblang, however, does teach a (Column 12, lines 36-44) version matching system, which allows dynamic version requests to be matched to specific versions when binding.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to perform the system of Claim 18, where the system includes a version matching mechanism configured to relate a version independent request with a version specific assembly, since this allows requests for binding, when the specific versions of the applications are unknown.

8. Claims 28-37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Evans et al. (U.S. Patent Number 5,805,899).

In regard to Claim 28, Evans teaches: (a) receiving a request corresponding to binding a selected version of a shared assembly to an application program (Column 1, lines 23-24); (b) determining whether a configuration is associated with the assembly, and if so, interpreting information in the configuration to determine whether to bind to the application program a version of the assembly that is different than the selected version of the assembly (Column 14, lines 57-67 and Column 15, lines 4-12). It could be argued that configuration information for an application would come from a publisher configuration, since the publisher of the application has designed the application, and knows first-hand the criterion that the application operates under; (c) determining whether an application configuration is associated with the assembly, and if so, interpreting information in the configuration to determine whether to bind to the application program a version of the assembly that is different than the selected version of the assembly (Column 15, lines 4-12). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to receive a request corresponding to binding a selected version of a shared assembly to an application program, and determine whether a configuration is associated with the assembly, and if so, interpreting information in the configuration to determine whether

to bind to the application program a version of the assembly that is different than the selected version of the assembly, and finally determine whether an application configuration is associated with the assembly, and if so, interpreting information in the configuration to determine whether to bind to the application program a version of the assembly that is different than the selected version of the assembly, where the first determination is made with publisher configuration information, since a publisher of the application would ordinarily have the criterion that the application operates under.

In regard to Claim 29, Evans teaches returning information corresponding to the selected version of the assembly in response to the request (Column 2, lines 13-17).

In regard to Claim 30, Evans teaches loading the selected version of the assembly in response to the request (Column 14, lines 62-65).

In regard to Claim 31, the examiner takes official notice that since the selected version is bound to the application program, it would be obvious to store the selected version in the application program folder, since folders typically group applications and related files together.

In regard to Claim 32, Evans teaches a storage medium containing the object code to be versioned (Column 15, lines 44-45).

In regard to Claim 33, Evans teaches: (a) receiving a request corresponding to binding a selected version of a shared assembly to an application program (Column 1, lines 23-24); (b) determining whether an application configuration is associated with the assembly, and if so, interpreting information in the configuration to determine whether to bind to the application program a version of the assembly that is different than the selected version of the assembly (Column 15, lines 4-12); (c) determining whether a configuration is associated with the

assembly, and if so, interpreting information in the configuration to determine whether to bind to the application program a version of the assembly that is different than the selected version of the assembly (Column 14, lines 57-67 and Column 15, lines 4-12). It could be argued that configuration information for an application would come from a publisher configuration, since the publisher of the application has designed the application, and knows first-hand the criterion that the application operates under; (d) determining whether a configuration is associated with the assembly, and if so, interpreting information in the configuration to determine whether to bind to the application program a version of the assembly that is different than the selected version of the assembly (Column 14, lines 57-67 and Column 15, lines 4-12). It could be argued that configuration information for an application would come from an administrator configuration, since an administrator in a corporate environment has the knowledge and the information from the publisher of the application to know the criterion that the application operates under. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to receive a request corresponding to binding a selected version of a shared assembly to an application program, and determine whether an application configuration is associated with the assembly, and if so, interpreting information in the configuration to determine whether to bind to the application program a version of the assembly that is different than the selected version of the assembly, determine whether two more configurations are associated with the assembly, and if so, interpreting information in the configurations to determine whether to bind to the application program a version of the assembly that is different than the selected version of the assembly, where the last two configurations are a publisher configuration information, since a publisher of the application would ordinarily have the

criterion that the application operates under, and an administrator configuration, since an administrator in a corporate environment has the knowledge and the information from the publisher of the application to know the criterion that the application operates under.

Claims 34-37 correspond directly with Claims 29-32, and are rejected for the same reasons as Claims 29-32, respectively.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth A Gross whose telephone number is (703) 305-0542. The examiner can normally be reached on Mon-Fri 7:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q Dam can be reached on (703) 305-4552. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

KAG



TUAN DAM
SUPERVISORY PATENT EXAMINER